

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**RICHARD MILLER**

*Plaintiff,*

*v.*

**RAYTHEON COMPANY,**

*Defendant.*

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**CIV. A. NO. 3:09-cv-0440-O  
ECF**

**PLAINTIFF'S AMENDED EXHIBIT LIST AND DEPOSITION DESIGNATIONS**

TO THE HONORABLE REED O'CONNOR:

In accordance with the Court's scheduling order and Local Rule 26.2 and its order of June 21, 2010, Plaintiff Richard Miller submits the following list of exhibits that he may offer at the trial of this case. The list does not include exhibits that he may offer solely for impeachment purposes. Additionally, Plaintiff incorporates any exhibit listed in Defendant's exhibit list.

**1. EXHIBITS THAT PLAINTIFF MAY OFFER**

<b>No.</b>	<b>DESCRIPTION</b>	<b>IDENTIFIER</b>	<b>AGREED</b>	<b>DEF.'S OBJECTION(S)</b>	<b>OFFERED</b>	<b>ADMITTED</b>
1.	Richard Miller's résumé	RM 1020-1021	X			
1A.	Richard Miller's résumé	Raytheon/ Miller 1067	X			
2.	Performance Development Summaries re: Richard Miller	Raytheon/Miller 186, 193-196		Def. intends to stipulate to performance		
3.	Additional Performance Development Summaries re: Richard Miller	RM 1022-1133		Fed. R. Evid. 901-902; Def. intends to stipulate to performance		
4.	Excerpts of Miller's notes	RM 206-219		Fed. R. Evid. 802 (re: statements by 3 <sup>rd</sup> party benefits admin.), 803(5)		
5.	2007 Performance Screen re: Richard Miller	Ex. 11/RM 585-90	X			

No.	DESCRIPTION	IDENTIFIER	AGREED	DEF.'S OBJECTION(S)	OFFERED	ADMITTED
6.	Excerpts of Miller's notes re: 2007 mid-year review and staff meetings	RM 550, 563		Fed. R. Evid. 803(5)		
7.	2007 Performance Development Summary re: Richard Miller and cover email	Raytheon/ Miller 180, 184-85	X			
8.	Michael Rynbrandt résumé	Raytheon/Miller 1018-1019		"Confidential"; Hearsay Fed. R. Evid. 802; irrelevant (Fed. R. Evid. 403); also subject to Defendant's pending Motion in Limine		
9.	Performance Development Summaries re: Michael Rynbrandt	Raytheon/ Miller 1020-24		"Confidential"; Hearsay Fed. R. Evid. 802; Fed. R. Evid. 403; also subject to Defendant's pending Motion in Limine		
10.	RIF Q&A	Ex. 34/ Raytheon/ Miller 278-79	X			
11.	SCM RIF ADEA worksheet (and cover e-mail)	Ex. 36/RM 141, 195-205		Irrelevant (FED. R. EVID 403) except as to decisional units under R. Lyells; also subject to Defendant's Motion in Limine		
12.	RIF Worksheet re: Mar. 2008 RIF	Ex. 37/ Raytheon/ Miller 389-91	X			
13.	Open job requisition worksheet (as of 4/6/08)	Ex. 38/ Raytheon/ Miller 367-75		Subject to Defendant's Motion in Limine		
14.	Long Service Review Committee notes	Ex. 39/ Raytheon/ Miller 1124-1127		Defendant agrees subject to redaction of M. Sheppard in that he was not in a decisional unit under R. Lyells.		
15.	Profile – Experience re: Richard Miller	Ex. 43/ Raytheon/ Miller 70	X			
16.	Performance Development Summaries re: Kenneth Barham	Ex. 48/ Raytheon/ Miller 1109-1112		"Confidential"; Hearsay Fed. R. Evid. 802; misleading, confusion of issue, undue prejudice outweighs probative value. Fed. R. Evid. 403; also subject to Defendant's Motion in Limine		
17.	Job req. #NCS 108111 – Dir. I Supply Chain – Combat Systems	Ex. 14/Raytheon/ Miller 993-98		Irrelevant (FED. R. EVID. 403); also subject to Defendant's Motion in Limine		
18.	Job req. # NCS 108923 – Mgr II Supply Chain	Ex. 15/Raytheon/ Miller 969-71		Irrelevant (FED. R. EVID. 403); also subject to Defendant's Motion in Limine		

No.	DESCRIPTION	IDENTIFIER	AGREED	DEF.'S OBJECTION(S)	OFFERED	ADMITTED
19.	Job req. # 107643 – Mgr. III Supply Chain – Soldier Weapons Systems Supply Chain Capture	Ex. 18/Raytheon/Miller 982-84		Irrelevant if Plaintiff's age claim is only as to his termination (FED. R. EVID. 403)		
20.	Job req. # NCS 107522 – Sr. Mgr. Supply Chain	Ex. 24/Raytheon/Miller 1003-08		Irrelevant if Plaintiff's age claim is only as to his termination (FED. R. EVID. 403)		
21.	Job requisition: #SAS108585	Ex. 64/Raytheon/Miller 1015-1017		Irrelevant (FED. R. EVID. 403); also subject to Defendant's Motion in Limine		
22.	Job requisition: #SAS108836	Ex. 83/Raytheon/Miller 987-989		Irrelevant if Plaintiff's age claim is only as to his termination (FED. R. EVID. 403)		
23.	Job ID# NCS 107522, NCS 107643, SAS 108685, SAS 108836	RM 1307-1317		Irrelevant if Plaintiff's age claim is only as to his termination (FED. R. EVID. 403)		
24.	No exhibit					
25.	HREIS report screen re: Richard Miller	Ex. 52/Raytheon/Miller 1114		Lack of sponsorship/foundation. Fed. R. Evid. 901-902; misleading; confusion of jury and irrelevant (Fed. R. Evid. 403)		
26.	SAS SCM Organization Chart [CONFIDENTIAL]	Ex. 53/Raytheon/Miller 1115-1123		Defendant agrees to admissibility subject to maintaining as "Confidential"		
27.	Organization Charts re: SAS and its sub-units [CONFIDENTIAL]	Ex. 55/Raytheon/Miller 9-11		Defendant agrees to admissibility subject to maintaining as "Confidential"		
28.	E-mail chain dated 2/27/08	Ex. 58/Raytheon/Miller 861-864		Irrelevant (Fed. R. Evid. 403); "Confidential"		
29.	E-mail chain between Lyells and Miller dated 1/31/08	Raytheon/Miller 867-68		Irrelevant (Fed. R. Evid. 403); "Confidential"		
30.	G. Meihn e-mail to J. Lam dated 6/16/08	RM 189-190	X	Rule of optional completeness. Defendant does not object subject to response to email from J. Lam being included in exhibit.		
31.	J. Lam notes of telephone calls	Raytheon/Miller 224		Lacks foundation/sponsorship. Fed. R. Evid. 901-902; irrelevant (Fed. R. Evid. 403).		
32.	HREIS report screen re: Richard Miller	Ex. 74/Raytheon/Miller 287-88		Lacks foundation/sponsorship. Fed. R. Evid. 901-902; irrelevant (Fed. R. Evid. 403).		

No.	DESCRIPTION	IDENTIFIER	AGREED	DEF.'S OBJECTION(S)	OFFERED	ADMITTED
33.	Candidate Workflow Status re: Richard Miller	Raytheon/ Miller 1044		Irrelevant if Plaintiff's age claim is only as to his termination (FED. R. EVID. 403)		
34.	Screenshot of job requisition status	Ex. 88A/ Raytheon/ Miller 1063-64		Irrelevant if Plaintiff's age claim is only as to his termination (FED. R. EVID. 403)		
35.	Excerpts of Candidate Workflow Status re: #SAS108836	Raytheon/ Miller 1361 (Exs. 85-87)		Irrelevant if Plaintiff's age claim is only as to his termination (FED. R. EVID. 403)		
36.	Raytheon's EEOC position statement, plus business records declaration	Ex. 50/ Raytheon/ Miller 828-831, 811	X			
37.	Raytheon Company's 2008 Annual Report	Located at www.raytheon.com		Voluminous; undue confusion as to technical matters; irrelevant until court decides to instruct jury on exemplary damages (Fed. R. Evid. 403)		
38.	Raytheon Company's 2009 Annual Report	Located at www.raytheon.com		Voluminous; undue confusion as to technical matters; irrelevant until court decides to instruct jury on exemplary damages (Fed. R. Evid. 403)		
39.	SEC Form 8-k re: Raytheon Company, dated 1/28/10 and Raytheon's Second Supplemental/Amended Answers and/or Objections to Plaintiff's First Interrogatories (Rog. No. 10).	Raytheon/ Miller 1362-65, 1383	X	Voluminous; undue confusion as to technical matters; irrelevant until court decides to instruct jury on exemplary damages (Fed. R. Evid. 403)		
40.	Economic assessment report for Richard Miller by Dr. J. Herbert Burkman (dated Dec. 16, 2009) [REDACTED]	RM 1318-1339	X			
40-A	Economic assessment report for Richard Miller by Dr. J. Herbert Burkman (dated Dec. 16, 2009)	RM 1318-1339	X			
41.	Raytheon TI Systems Employees Pension Plan – Summary Plan Description	Raytheon/ Miller 39-68		Undue confusion as to technical matters; irrelevant (Fed. R. Evid. 403)		
42.	Compensation/payroll history re: Richard Miller	Raytheon/ Miller 197-209	X			
43.	"Your Retirement Guide" – For Participants in the Raytheon Company Pension Plan for Salaried Employees	RM 91-114		Undue confusion as to technical matters; irrelevant (Fed. R. Evid. 403)		
44.	Pension benefit calculations re: Richard Miller	RM 569-580		Undue confusion as to technical matters; irrelevant (Fed. R. Evid. 403)		

No.	DESCRIPTION	IDENTIFIER	AGREED	DEF.'S OBJECTION(S)	OFFERED	ADMITTED
45.	Various RBI bonus awards and compensation summaries re: Richard Miller	RM 595-97, 610-613, 623-624, 628-30, 637, 641-42		Undue confusion as to technical matters; irrelevant (Fed. R. Evid. 403)		
46.	Various achievement awards earned by Richard Miller	RM 633, 635-36, 639-40, 643-45		Irrelevant (Fed. R. Evid. 403)		
47.	Miller's 2007 and 2008 IRS Form W-2s	RM 1305-1306	X			
48.	Richard Miller – Job Search Log	RM 230-32		No objections subject to underlying documents used to create log being produced (Fed. R. Evid. 1006)		
49.	Richard Miller – supplemental job search	RM 1367-1376		No objections subject to underlying documents used to create log being produced (Fed. R. Evid. 1006)		
50.	Documents relating to Miller's job search	RM 244-439		Hearsay and recorded recollection (Fed. R. Evid. 802, 803(5)); Authenticity (Fed. R. Evid. 901-902).		
51.	Excerpts of Defendant Raytheon Company's Answers and/or Objections to Plaintiff's Interrogatories (Nos. 1 and 7)	Ex. 61	X			

No.	DESCRIPTION	IDENTIFIER	AGREED	DEF.'S OBJECTION(S)	OFFERED	ADMITTED
52.	Excerpts of Defendant Raytheon Company's Answers and/or Objections to Plaintiff's Third Interrogatories (Nos. 17-18 and 21)	Ex. 71		Defendant objects to the admissibility of this exhibit to the extent it will disclose highly confidential information about current and/or former employees of Raytheon. Dates of birth must be redacted subject to Fed.R.Civ.P. 5.2. Defendant further objects on grounds that the date of birth information is duplicative of the information already set forth in Plaintiff's Exhibit 53 (March 16, 2010 Declaration of Amos Wilson), which the parties have already agreed as to its admissibility.		
53.	March 16, 2010 declaration of Amos Wilson	Doc. No. 42	X			
54.	Severance offer and release of claims re: Richard Miller	RM 115-117	X			
55.	Richard Miller's charge of age discrimination (#450-2008-04615)	RM 6-7	X			
56.	No exhibit.					
57.	No exhibit.					
58.	Timeline of Events (demonstrative)			Defendant reserves any objection that it may have to the content and/or use of demonstrative exhibits		

No.	DESCRIPTION	IDENTIFIER	AGREED	DEF.'S OBJECTION(S)	OFFERED	ADMITTED
59.	Summary of Damages (current through time of trial) (demonstrative)			Defendant reserves any objection that it may have to the content and/or use of demonstrative exhibits		
60.	Impact of RIF on SAS's Texas employees (demonstrative)			Defendant reserves any objection that it may have to the content and/or use of demonstrative exhibits. To the extent that Plaintiff intends to summarize information concerning decisional units outside of R. Lyells' group, Defendant objects as irrelevant (Fed. R. Evid. 403) and subject to its pending Motion in Limine.		
61.	Open Supply Chain Job Requisitions ( $\geq$ A05) for which Raytheon Rejected or Failed to Consider Miller (demonstrative)			Defendant reserves any objection that it may have to the content and/or use of demonstrative exhibits. Defendant objects subject to its pending Motion in Limine.		
62.	March 2008 RIF – Employees Lyells Placed in Decisional Units			Defendant reserves any objection that it may have to the content and/or use of demonstrative exhibits. Defendant objects subject to its pending Motion in Limine.		
63.	March 2008 RIF – Employee on PRISM Project Who Lyells Did Not Place in Decisional Unit			Defendant reserves any objection that it may have to the content and/or use of demonstrative exhibits. Defendant objects subject to its pending Motion in Limine.		
64.	Defendant Raytheon Company's First Amended Supplemental Answers and/or Objections to Plaintiff's First Interrogatories (No. 4).		X			

## 2. PORTIONS OF DEPOSITION TESTIMONY THAT PLAINTIFF MAY PRESENT

Miller may present the following portions of depositions taken in this case.

Witness	Deposition (page(s)/line(s))
William E. Anderson	7:5-9, 7:19-8:2, 8:18-9:7
	14:7-15:1, 16:8-12

	17:7-9, 17:16-20
	36:16-37:1
	38:18-40:1, 41:22-25, 43:10-12, 43:16-18, 44:5-9, 45:19-24, 46:7-9, 46:12-16, 46:19-24
	66:16-68:4
	68:23-69:4, 69:14-24, 70:1-5
	70:16-18, 70:20-72:2
	76:9-79:6, 79:10-80:1, 80:17-22
	81:15-82:2, 82:5-24
	83:5-12
	95:24-96:5, 96:9-18, 96:21-97:5
	97:8-16
	97:20-98:7
	98:10-99:1
	99:17-100:7
	108:2-4, 108:20-25
	109:1-3
Lisa Crump	4:11-13
	8:18-9:4
	9:20-10:12
	12:12-20
	13:5-14:24
	15:2-17
	19:5-20:12
	21:14-19
	22:15-21
	26:24-29:17
	30:6-25
	31:6-33:10
	34:5-35:9
	36:11-37:10
	37:24-38:2
	38:7-9, 38:21-23
	39:2-10, 39:15-40:2
	40:21-41:13
	42:24-44:3
	44:4-17
	46:12-47:16



	48:7-49:3
	49:5-50:15
	52:12-53:4
	59:17-61:8
	61:24-62:5
	63:23-65:18
	66:4-67:16
	67:18-70:7
	71:11-23
	72:15-73:11
	75:25-77:24
	78:11-14
	78:25-79:18
	80:21-23, 81:1-83:8
	84:5-85:5
	85:24-87:17
	91:6-16, 91:19-22
	92:17-94:23
	96:7-20
	98:8-99:4
	100:10-101:21
	102:11-103:2
	106:5, 106:19-107:4, 107:20-108:8
	108:13-20, 109:5-110:15
	111:4-112:11
	113:21-114:20
	115:21-25
	116:17-117:2, 117:8-24, 118:6-10, 118:18-23
	124:3-125:25
	126:4-127:20
	128:7-21
Vivek Kamath	5:7-11, 5:16-6:14
	8:20-9:24
	10:14-23
	11:11-21
	31:22-35:20
	38:16-40:10
	41:5-17
	44:8-13
	45:13-22
	47:8-48:2
	53:20-54:13

	58:16-59:19
	60:5-18
	61:14-62:18
	71:12-72:11
	73:16-23
	74:10-75:12
	77:20-78:13
	81:7-82:10
	85:15-86:5
	88:7-24
	90:8-14
	91:18-93:5
	97:24-98:1
	98:10-99:13
	104:5-19
	106:4-9, 107:17-111:8
	111:1-5
	119:15-120:20
	123:3-5, 123:17-23
	124:21-125:23
	126:12-127:12
	141:3-6
	144:9-145:18
	146:14-20
	147:3-12
James Lam	6:13-7:5
	8:12-17
	18:21-24
	19:3-14
	29:24-30:3, 30:6-17
Robert Lyells	8:11-24, 9:1-8
	13:10-14:1
	15:1-16:17
	17:19-18:6, 19:1-14
	23:6-24:23
	25:3-26:14
	29:1-4
	30:1-32:7-12
	34:22-35:10
	43:11-45:10
	46:15-49:3
	63:13-64:9
	79:7-10, 80:5-14
	90:11-91:1

	95:14-20
	105:9-22, 106:6-14
	111:10-19
	115:11-116:1, 117:15-18
	119:1-120:8
	124:2-125:1
	135:9-15
	148:4-11
	148:16-25
	155:9-156:1
	156:24-157:5
	165:3-166:3
	169:11-18
	170:20-25
	175:8-176:8
	179:19-182:1
	192:6-193:3
	199:7-200:3
	202:1-5
	202:13-203:9, 203:17-20
	206:18-23
	237:20-238:20
Allen Reid	9:12-20
	10:10-20
	12:9-14
	13:23-17:1
	18:21-24
	35:4-18
	45:18-23
	47:11-48:18
	51:5-11
	52:8-53:9
	56:5-9
	56:22-57:11
	59:24-60:12
	61:2-62:6
	63:3-65:8, 65:10-13
	66:8-13, 66:17-19
	74:23-76:10
	77:9-78:8
	79:2-80:13
	82:6-83:7
	87:4-88:10
	89:23-91:14

	92:19-93:17
	110:8-11:1
	111:3-116:3
	117:9-118:9
	123:10-124:1
	124:24-126:10
	127:3-18
	132:16-135:23
	138:23-140:14
	141:18-144:7
	145:22-146:11
	164:1-165:8
	182:6-187:19
	193:15-196:13
	198:4-199:5
	205:16-208:13
Loretta Sweeney	4:11-13, 4:16-5:1
	5:16-6:13
	9:12-15
	10:16-11:3
	16:2-18:9
	18:22-19:19
	27:7-12
	28:15-31:6
	32:13-33:6, 33:15-19, 33:25-34:6
	36:1-9
	36:17-37:12
	38:6-14
	39:6-40:22
	43:4-9
	44:23-46:16, 47:6-13
	54:12-14
	55:19-25
	56:25-58:20
	60:5-14
	62:15-17, 22-25
	63:6-8, 64:1-10
	87:25-88:5
	88:21-89:15
	91:22-92:4
	93:1-94:9
	95:21-96:6
	102:3-103:19
	104:13-15

	104:21-105:4
	112:8-12
	4:11-12
	5:14-16
	8:6-19
	9:13-11:1
	12:2-13:9
	16:12-24
	17:5-11
	21:25-22:21
	24:2-15
	25:21-28:3
	31:13-39:22
	42:24-43:24
	46:18-47:13, 47:20-48:18
	49:13-53:13
	54:2-57:16
	57:22-58:13
	58:18-59:21
	63:22-64:16
	66:7-21
	67:5-8, 67:21-68:9
	69:2-6
	70:12-72:17
	72:23-73:6
	73:12-74:16
	76:25-77:8
	77:19-80:2
	80:13-16
	81:1-10
	90:22-92:12
	93:11-95:1
	95:14-19
	96:8-10, 96:14
	98:12-99:13
	106:15-107:18
	108:5-23
	110:12-17
	110:23-111:22
	112:19-25
	113:20-114:3
	121:2-122:6
	123:6-16, 123:19-124:10
	124:15-17
	124:20-23
Amos Wilson	

	126:10-127:11
	132:21-133:5
	133:19-134:13
	134:15-135:13
	135:19-136:7
	136:25-137:25
	138:20-139:12
	141:10-12
	148:24-149:12
	150:13-151:6
	152:4-7
	160:12-15
	161:8-164:22

Miller's counsel deposed each of these witnesses before a certified court reporter and/or videographer. Because Miller may use some of the above-listed testimony for limited purpose(s), or because the testimony may be admissible only for limited purpose(s), Miller's disclosure of this testimony is not intended to waive any objection that he may have as to its admissibility for other purposes.

DATED: July 7, 2010

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF CONFERENCE**

The undersigned certify that the parties' counsel have conferred over the admissibility of exhibits listed in Plaintiff's exhibit list and that the foregoing list, which indicates agreement or objections as to certain exhibits, reflects the current state of the parties' agreement.

DATED: July 7, 2010

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**CERTIFICATE OF SERVICE**

The undersigned certifies that on July 7, 2010 he electronically submitted the foregoing document to the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case files system of the court. The electronic case files system sent a "Notice of Electronic Filing" to the following individuals, who have consented in writing to accept this Notice as service of this document by electronic means: Michael P. Maslanka, Esq., and Buena Vista Lyons, Esq., of FORD & HARRISON LLP, attorneys for Defendant Raytheon Company.

*/s/ James D. Sanford*

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One of Plaintiff's Counsel